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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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MATTHEW BUHL, et al.,

CASE NO. 2:09-cv-0598-JCC

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Plaintiffs,

DECLARATION BY PLAINTIFF  
MATTHEW BUHL

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v.

NOTE ON CALENDAR:  
November 23, 2009

11

JOHN DOE, et al.,

Defendants.



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09-CV-01458-TN

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DECLARATION OF MATTHEW BUHL

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I, Matthew M. Buhl, being first duly sworn under oath under penalty of perjury of the laws of the State of Washington, do hereby declare as follows:

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After months of desperately searching in vain for an attorney that handles cases of the type and sensitivity of the one I filed on behalf of four others and myself last June, I received notice that a Show Cause hearing would be held November 10th 2009, at which I could explain why I failed to appear at a scheduling hearing set for October 20th, 2009. I had never received notice of the October 20th conference, and I suspect that notice may have been placed in a mailbox other than my own, as I often receive mail intended for others at my building. Because

PLAINTIFF MATTHEW  
BUHL'S DECLARATION- 1

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1 my co-plaintiffs and I feel so strongly about this case, the weeks leading up to November 10th  
2 were characterized by greater than normal despair as we searched, still in vain, for an attorney.  
3 When the day came, we were very anxious to be present and in proper dress to make a good  
4 impression for the Show Cause hearing, with the exception that a fifth Plaintiff, known only to  
5 me as "Peter" was not with us, as he was stationed elsewhere in connection with his military  
6 service and I have been unable to contact him since prior to my filing of the original complaint.

7 After some trouble finding parking for several vehicles downtown, we met in front of the  
8 Federal Courthouse and entered as a group at approximately 8:50-8:55am. We spent some time  
9 passing through security, experienced some confusion on the elevators and then still more on our  
10 destination floor before we entered the courtroom at 9:00 or 9:02am according to our different  
11 watches. When we entered the courtroom, there was one other person present. We sat on the left  
12 side of the courtroom and waited from five to ten minutes before the court clerk and reporter  
13 entered and set up the reporter's typing machine and some other things. We were present for the  
14 hearing that concerned the other man present, which began at approximately 9:10am, and when a  
15 recess was declared at approximately 9:15 to 9:20, the court clerk asked if our group was present  
16 to observe the proceedings. When Keric McKenna answered that we were present for a hearing,  
17 the clerk asked "Is this the Buhl matter?", and when we replied in the affirmative, she informed  
18 us that our case had been dismissed because we weren't present. When we protested that we had  
19 been present since 9am, she told us we could file a complaint. When we asked if we could  
20 proceed, she said normally that would be an option but that the other side was not present.  
21 When I called the court clerk's office today to find out the contact information of the  
22 Defendant's attorneys, I was told that there was no contact information, as no attorney had yet  
23 appeared for the Defendants. I profusely and respectfully apologize to the court that neither I  
24 nor any of my co-Plaintiffs was present October 20th, but I don't think it was fair or in the

PLAINTIFF MATTHEW  
BUHL'S DECLARATION- 2

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1 interests of justice for the Deputy Court Clerk to order our case dismissed on the basis that we  
2 did not appear on the 10<sup>th</sup> of November. According to the paper notice I received, her order  
3 dismissing our case was entered at 9:50am, long after our conversation with her in the courtroom.  
4 I am confident that the attorney present in the courtroom when we entered, whose case was  
5 heard at approximately 9:10am, would affirm the details of my account.

6  
7 Respectfully submitted,

8 Date 11/22/2009 c

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Matthew Buhl / Pro se  
5307 4th Ave So, #223  
Seattle, WA 98108

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PLAINTIFF MATTHEW  
BUHL'S DECLARATION- 3

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**CERTIFICATE OF SERVICE**

I hereby certify that, on this 23rd day of November, 2009, a true and complete copy of the foregoing Declaration was sent by First Class Certified U.S. Mail to the parties below:

Seattle Police Department  
610 Fifth Avenue P.O. Box 34986  
Seattle, WA 98124-4986

**Seattle City Attorney  
Thomas Carr  
600 4th Ave, 4th Floor  
PO Box 94769  
Seattle, WA 98124-4769**

Dated 11/23/2009

Matthew Buhl, Prose  
5307 4th Ave So, #223  
Seattle, WA 98108

PLAINTIFF Matthew Buhler  
Declaration N-4